

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 435

September 15, 1995, 12:41 p.m.  
Page S-13642 Temp. Record

## WELFARE REFORM BILL/No Funding of Suits Challenging Welfare Laws

**SUBJECT:** Family Self-Sufficiency Act of 1995 . . . H.R. 4. Heflin motion to table the Gramm amendment No. 2617 to the Dole modified perfecting amendment No. 2280 to the committee substitute amendment.

### ACTION: MOTION TO TABLE AGREED TO, 51-47

**SYNOPSIS:** As reported with a committee substitute amendment, H.R. 4, the Family Self-Sufficiency Act of 1995, will overhaul 6 of the Nation's 10 largest welfare programs.

The Dole modified perfecting amendment would strike the provisions of the committee substitute amendment and insert in lieu thereof substitute provisions, entitled "The Work Opportunity Act of 1995."

**The Gramm amendment** would bar legal aid organizations or other entities that receive Federal funds or IOLTA (Interest on Lawyer's Trust Accounts) funds from challenging in any manner the legal or constitutional validity of any Federal regulation, or any State regulation or law, that was promulgated or passed pursuant to this Act. The main effect of the amendment would be to bar the Legal Services Corporation and its grantees from filing lawsuits to challenge the validity of various provisions of this Act. ("IOLTA" funds are created when attorneys are required to place noninterest-bearing client funds into interest-bearing accounts pending the outcome of legal proceedings; the interest that accrues is placed into these funds.)

Debate was limited by unanimous consent. Following debate, Senator Heflin moved to table the Gramm amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

**Those favoring** the motion to table contended:

Argument 1:

The Gramm amendment would deny the most vulnerable in society their day in court. Every other American who finds a law offensive has the opportunity to challenge it; poor Americans should not be the only Americans denied this right. We remind our

(See other side)

YEAS (51)			NAYS (47)			NOT VOTING (2)	
Republicans (7 or 13%)	Democrats (44 or 96%)		Republicans (45 or 87%)	Democrats (2 or 4%)		Republicans (2)	Democrats (0)
Chafee	Akaka	Johnston	Abraham	Hatfield	Byrd	Nickles <sup>-2</sup>	
Cohen	Baucus	Kennedy	Ashcroft	Helms	Hollings	Stevens <sup>-2</sup>	
Gorton	Biden	Kerrey	Bennett	Hutchison			
Jeffords	Bingaman	Kerry	Bond	Inhofe			
Packwood	Boxer	Kohl	Brown	Kassebaum			
Snowe	Bradley	Lautenberg	Burns	Kempthorne			
Specter	Breaux	Leahy	Campbell	Kyl			
	Bryan	Levin	Coats	Lott			
	Bumpers	Lieberman	Cochran	Lugar			
	Conrad	Mikulski	Coverdell	Mack			
	Daschle	Moseley-Braun	Craig	McCain			
	Dodd	Moynihan	D'Amato	McConnell			
	Dorgan	Murray	DeWine	Murkowski			
	Exon	Nunn	Dole	Pressler			
	Feingold	Pell	Domenici	Roth			
	Feinstein	Pryor	Faircloth	Santorum			
	Ford	Reid	Frist	Shelby			
	Glenn	Robb	Gramm	Simpson			
	Graham	Rockefeller	Grams	Smith			
	Harkin	Sarbanes	Grassley	Thomas			
	Heflin	Simon	Gregg	Thompson			
	Inouye	Wellstone	Hatch	Thurmond			
				Warner			

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

colleagues that the majority of welfare recipients are young children, and that disabled and elderly Americans also comprise large percentages of all recipients. We should not deny the most helpless, vulnerable Americans among us the right to equal representation. The Gramm amendment would not only deny Federal Legal Service Corporation assistance, it would forbid assistance from independent entities using their own funds if they received grants from the Corporation. This amendment is extreme, and should therefore be tabled.

Argument 2:

The appropriate scope of activities for the Legal Services Corporation (LSC) should not be discussed on a welfare reform bill. We welcome debating that Corporation in the future, but for now, we must support the motion to table.

**Those opposing** the motion to table contended:

The American people strongly support reforming welfare. However, their money has been used to challenge every single welfare reform effort that so far has been attempted by the States. The culprit is the Legal Services Corporation, which ostensibly is a Federal entity that exists to provide civil legal services to indigent Americans, but which in practice is a far-left liberal advocacy group that has a sorry history of political meddling. Instead of helping poor Americans comply with the intricacies of civil law, the Legal Services Corporation frequently attempts to re-write the laws through court challenges. Either it or its grantees take Federal funds, and then cast about for plaintiffs to represent in class-action suits. For the most part, they try to win rulings from liberal judges that say that the Constitution requires more generous benefits for welfare recipients than provided for by law. In some cases, they have used Federal resources to meddle in elections in attempts to defeat candidates who have not shared their same ideological views.

Some Senators have suggested that bringing up the Legal Services Corporation in the context of the welfare reform debate is inappropriate. We strenuously disagree. On January 1, 1995, Indiana started a welfare reform pilot program in which welfare recipients were required to work or lose their benefits. The Legal Services Corporation of Indiana filed a lawsuit to block the implementation of the law. On October 1, 1991, Michigan began its program to deny general assistance to nonworking, able-bodied, single adults without children. The Legal Services Corporation of Michigan filed a lawsuit to try to block the implementation of that law. In 1992, the New Jersey Family Development Act was passed, and five federally funded New Jersey Legal Services grantees filed lawsuits. In 1994, Pennsylvania passed a law ending welfare benefits for nonworking, able-bodied adults without children and the Legal Services Corporation in Pennsylvania filed a lawsuit. As we said at the outset, every welfare reform effort attempted in recent years has been challenged in court using taxpayer funds. If the Gramm amendment is not agreed to, our colleagues can rest assured that Legal Services Corporation entities and grantees will mount numerous court challenges across the country, potentially resulting in conflicting rulings that will bollix up reform efforts for years.

This amendment is clearly needed. It would not attempt broad reform of the Legal Services Corporation, it would only address the narrower issue of welfare reform. Additionally, it would not stop the Legal Services Corporation from representing poor people under this welfare reform Act; poor people who thought that they were being denied benefits as provided by this Act could be represented. All the amendment would do is stop Legal Services Corporation lawyers from trying to change the Act because they do not think it provides enough welfare benefits. We oppose using taxpayer funds to legislate through the courthouse, and therefore strongly support the Gramm amendment.